IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

Bail Appl..No. 614 of 2007()

CMP.5283/2006 of J.M.F.C., SASTHAMCOTTA

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: PETITIONER/13TH ACCUSED

GIREESAN, AGED 30 YEARS,
S/O.BHADRAN, VINAYA SIVA VILASAM VEEDU,
HOUSE NO.364, WARD NO.XV, KALLELIBHAGAM MURI,
THODIYOOR VILLAGE, KARUNAGAPPALLY TALUK.

BY ADV. SRI.B.HARISH KUMAR

RESPONDENT/ COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
SUB-INSPECTOR OF POLICE, SOORANAD POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 614 OF 2007

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DATED THIS THE 5th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the 13th accused in Crime No.134/06 of Sooranad Police Station for an offence punishable under section 55(a) of the Abkari Act for allegedly facilitating the transportation of 12740 litres of spirit on 12.5.2006 and who was arrested on 29.11.2006, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application, he fairly conceded that no final report has been filed even after 60 days of judicial custody of the petitioner. If so, by virtue of the proviso to section 167(2) Cr.P.C., the petitioner is entitled to bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Sasthamcotta and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn